

Remarks

Favorable reconsideration of this application is requested in view of the above amendments and the following remarks. Claims 27-40 remain pending in the application. The revision to independent claims 27, 32, 35, and 38 is supported, for example, at page 14 of the specification and Fig. 2.

Applicants note that the Office Action relies on references US 6,689,445 and JP 11-144315. These references were not listed on the PTO 892 form, and Applicants respectfully request that an additional 892 form listing these references be provided with the next paper from the Examiner.

The Office Action includes rejections for anticipation or obviousness over WO 00/54982 (Yamada), EP 1096484 (Mizuuchi), EP 1096485 (Nakakuki), US 6,406,771 (Nakakuki), "Rewritable Dual Layer Phase ..." (Akiyama), "Presentation We-C-06 at ISOM 2000" (Kojima, cited in Akiyama). The effective prior art date for each of these references is subsequent to the priority date claimed for the present application. Applicants are preparing a verified translation to perfect the claim for priority and thus remove these references as prior art. Therefore these rejections are moot. Applicants are not conceding the correctness of the rejections. The verified translation will be submitted shortly.

Claims 27-36, 38 and 39 are rejected as anticipated by Ohno. Ohno neither discloses nor even suggests the composition of the first recording layer material required by the present independent claims. Note the advantageous properties enjoyed by the present materials, which are illustrated in the experimental results reported at pages 22-38 of the specification. Therefore the rejection should be withdrawn.

Claims 27-40 have been rejected as obvious over Yasuda in view of Coombs. Claims 27, 30-32, 35, 37, 38 and 40 have been rejected as obvious over Kobayashi in view of Coombs. Neither Yasuda nor Kobayashi suggests the composition required by the present independent claims. Coombs does not remedy the deficiencies of the primary references, and fails to suggest the advantageous properties obtained with the present recording layer material. Therefore the rejections based on Yasuda or Kobayashi in view of Coombs should be withdrawn.

The Office Action includes a double patenting rejection over pending application 11/104542. This application does not include any common inventors with the present

application, is owned by a different assignee, and has an effective filing date several years after the effective filing date of the present application. Therefore, Applicants respectfully submit that this application fails to establish a suitable basis for a double patenting or any other rejection of the present application, and this rejection should be withdrawn.

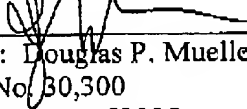
The Office Action also includes double patenting rejections over US 6,751,184, US 6,794,006, US 6,858,278, US 6,761,950, US 6,689,445, US 6,764,736, US 10/734711, US 10/637919, US 10/399006, US 10/637842, US 10/637819, US 10/667,684 and US 10/637952. Initially, Applicants note that several of the rejections based on pending applications do not seem to have taken into account preliminary amendments that were filed with those applications. Therefore, the rejections do not reflect the currently claimed subject matter in those applications. In any event, Applicants respectfully submit that the limitation on the material for the first recording layer in the present independent claims establishes a suitable basis for patentable distinction between the claims of the present application and the claimed subject matter of the indicated patents and pending applications.

Applicants courteously request favorable reconsideration in the form of a notice of allowance.

Respectfully submitted,

Hamre, Schumann,
Mueller & Larson, P.C.
P.O. Box 2902-0902
Minneapolis, MN 55402
Phone: 612-455-3800

Date: January 24, 2006

By 
Name: Douglas P. Mueller
Reg. No. 30,300
Customer No. 52835